

6/26/2018 3:55 PM

Velva L. Price
District Clerk
Travis County
D-1-GN-18-001842
Sandra Henriquez

NO. D-1-GN-18-001842

LEONARD POZNER AND
VERONIQUE DE LA ROSA,

Plaintiffs,

v.

ALEX E. JONES, INFOWARS, LLC,
AND FREE SPEECH SYSTEMS, LLC,

Defendants

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

345th JUDICIAL DISTRICT

DEFENDANTS' FIRST AMENDED ANSWER

COMES NOW, Defendants Alex E. Jones, InfoWars, LLC, and Free Speech Systems, LLC (collectively, the "Defendants"), hereby file this First Amended Answer and show the Court the following:

I.

GENERAL DENIAL

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendants generally deny each and every, all and singular, the material allegations contained in Plaintiffs' Original Petition and demand strict proof thereof by a preponderance of the evidence.

II.

AFFIRMATIVE AND OTHER DEFENSES

Pursuant to Rule 94 of the Texas Rules of Civil Procedure, Defendants plead the following:

2.01 For further answer if need be, Defendants allege that Plaintiffs' claims are barred by the Statute of Limitations.

2.02 For further answer if need be, Defendants allege that Plaintiffs' claims are barred because the alleged defamatory claims/broadcasts constitute Defendants' opinions.

2.03 For further answer if need be, Defendants allege that Plaintiffs' claims are barred for their failure to comply with Texas Civil Practice & Remedies Code §73.055.

2.04 For further answer if need be, Defendants allege that Plaintiffs' claims for Exemplary Damages are waived and barred by their failure to comply with Texas Civil Practice & Remedies Code §73.055(c).

2.05 For further answer if need be, Defendants allege that they are protected by the Statutory Qualified Privilege provided in Texas Civil Practice & Remedies Code §73.004(a).

2.06 Defendants deny that Plaintiffs are entitled to punitive damages as they did not provide notice or request within ninety (90) days of the allegedly defamatory statements as required by Texas Civil Practice & Remedies Code §73.055(c).

2.07 Defendant InfoWars, LLC denies that it is liable in the capacity in which it has been sued.

2.08 For further answer if need be, Defendants assert that the Plaintiffs' claims are barred by the Texas Citizens' Participation Act. Such defense and evidence is further set forth in Exhibit 1 attached hereto and is fully incorporated herein for all purposes as if set forth verbatim.

III.

RELIEF REQUESTED

WHEREFORE, PREMISES CONSIDERED, Defendants pray that Plaintiffs take nothing by their suit and that Defendants be allowed to go hence without day and with all costs and that the Court grant such other and further relief, at law or in equity, to which Defendants may prove themselves to be justly entitled and for which they will ever pray.

GLAST, PHILLIPS & MURRAY, P.C.

/s/ Mark C. Enoch

Mark C. Enoch

State Bar No. 06630360

GLAST, PHILLIPS & MURRAY, P.C.

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the parties listed below via email and via efile.txcourts.gov's e-service system on June 26, 2018:

Mark Bankston

Kyle Farrar

Kaster, Lynch, Farrar & Ball, LLP.

1010 Lamar, Suite 1600

Houston, Texas 77002

/s/ Mark C. Enoch

Mark C. Enoch


VERIFICATION

STATE OF TEXAS

COUNTY OF DALLAS


BEFORE ME the undersigned authority personally appeared David Jones, who being by me first duly sworn stated that:

“My name is David Jones. I am the Manager of HR and Corporate Governance of Free Speech, LLC and am an authorized agent for InfoWars, LLC. I have personal knowledge and knowledge based on my access to and review of corporate records. I am over the age of 18, have never been convicted of a felony or crime involving moral turpitude, am of sound mind and I have personal knowledge of the facts herein stated. I have read this First Amended Answer and the statement contained in paragraph 2.07 is true and correct.”



David Jones

SWORN TO and SUBSCRIBED before me by David Jones on June 25th,
2018.



Notary Public in and for
the State of Texas

My Commission Expires:

4-21-2022

